

City of Wimberley

221 Stillwater, P.O. Box 2027, Wimberley, Texas 78676

REGULAR CITY COUNCIL MEETING
WIMBERLEY CITY HALL – CITY COUNCIL CHAMBERS
221 STILLWATER, WIMBERLEY, TEXAS 78676
THURSDAY, APRIL 19, 2018 – 6:00 P.M.

MINUTES

CALL TO ORDER

Mayor Mac McCullough called the meeting to order at 6:00 p.m.

CALL OF ROLL

Council Members Present:	Mac McCullough	Mayor
	Steve Thurber	Place One
	Craig Fore	Place Two
	Gary Barchfeld	Place Four
	Roberta Holland	Place Five

Council Members Absent: Allison Davis Place Three

City Staff Present: Shawn Cox, City Administrator
 Laura Calcote, City Secretary
 Sandy Floyd, Planning & Development Coordinator/GIS Analyst

INVOCATION

Mayor Mac McCullough gave the invocation.

PLEDGE OF ALLEGIANCE/SALUTE TO THE TEXAS FLAG

Mayor Mac McCullough led the pledges to the United States and Texas flags.

PROCLAMATION

Mayor Mac McCullough read aloud a proclamation of the City of Wimberley, Texas proclaiming April 19, 2018 as John White Day and presented the proclamation to Mr. White. Several individuals, including Council Members, spoke highly of Mr. White's character and his past service as a Council Member for the City of Wimberley.

CITIZENS COMMUNICATIONS

Tom Keyser spoke regarding the planning and management of the wastewater project, along with the alcohol permit fee invoice he had received from the City.

Al Sander also addressed Council concerning uncontrolled growth in the Austin-San Antonio metropolitan areas, which has the possibility of spilling over into Wimberley in the future.

Ross Griswald spoke against the Conditional Use Permit to allow for a vacation rental for a property located at 150 Dobie Drive.

PRESENTATION AND POSSIBLE ACTION

Nick Dornak from Texas State University's Meadows Center for Water and the Environment and Tom Hegemier from Doucet & Associates, Inc. presented the Cypress Creek Watershed Protection Plan's proposed projects at Blue Hole Regional Park. These grant-funded projects would support the health and sustainability of the Cypress Creek.

Motion to approve the Cypress Creek Watershed Protection Plan's proposed projects at Blue Hole Regional Park was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

EXECUTIVE SESSION

City Council did not adjourn into Executive Session.

CONSENT AGENDA

Motion to approve the consent agenda was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

A. Approval of minutes from the Regular City Council Meeting held April 5, 2018.

B. Approval of the appointment of Buck Baccus to the City of Wimberley Transportation Advisory Board. *(Place Five Council Member Roberta Holland)*

CITY ADMINISTRATOR REPORT

City Administrator Shawn Cox updated Council regarding the status of the Central Wimberley Wastewater Project. A groundbreaking ceremony for the Project was set for Friday, April 20th, at 10:00 a.m. at the Cypress Creek Nature Trail Park. Additionally, Mr. Cox stated the kickoff meeting presentations and Project schedule would be placed on the City's website for public viewing.

PUBLIC HEARINGS AND POSSIBLE ACTION

A. Hold a public hearing and consider approval regarding case S-17-010, an application a proposed replat of Lot 32, Lea Acres, Located on Pinion Trail, Wimberley, Hays County, Texas, to establish Lots 32A & 32B, and related variance request from the City subdivision code requirements relating to lot shape and average depth to average width ratio. *(Michael LeBlanc, Applicant)*

Planning and Development Coordinator/GIS Analyst Sandy Floyd presented the proposed replat at 371 Pinion Trail. The Planning and Zoning Commission had recommended approval with a 6-0 vote at their last meeting on April 12th.

Mayor Mac McCullough opened the public hearing at 6:48 p.m.

There were no citizen comments.

Mayor Mac McCullough closed the public hearing at 6:48 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

B. Hold a public hearing and consider approval regarding case CUP-18-005, an application for a Conditional Use Permit to allow for a vacation rental on property zoned Residential Acreage (RA) for property located at 400 County Road 1492, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. *(Richard Culleton, Applicant)*

Mrs. Floyd presented the Conditional Use Permit (CUP) to allow for a vacation rental at 400 County Road 1492. Mrs. Floyd noted she had received sixty-six percent (66%)

opposition from the public on the CUP. The Planning and Zoning Commission had unanimously recommended denying the application.

Mayor Mac McCullough opened the public hearing at 6:50 p.m.

Chris and Claire Sharp spoke regarding their letter of protest for the application.

Mayor Mac McCullough closed the public hearing at 6:51 p.m.

Motion to deny was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- C. Hold a public hearing and consider approval regarding case CUP-18-006, an application for a Conditional Use Permit to allow for a liquor store on property zoned Commercial-High Impact (C-3) for property located at 111 Old Kyle Road, Ste. 310, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Mad Rooster's, Applicant*)

Mrs. Floyd also presented the Conditional Use Permit to allow for a liquor store at 111 Old Kyle Road, Ste. 310. The Planning and Zoning Commission had unanimously recommended Council approval of the CUP at their last meeting.

Mayor Mac McCullough opened the public hearing at 6:55 p.m.

Mad Rooster's owner Vicky Cox addressed Council in support of the CUP.

Mayor Mac McCullough closed the public hearing at 6:56 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- D. Hold a public hearing and consider approval regarding case CUP-18-007, an application for a Conditional Use Permit to allow for a vacation rental on property zoned Single-Family Residential 3 (R-3) for property located at 150 Dobie Dr., Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*David Brown, Applicant*)

Mrs. Floyd presented the Conditional Use Permit to allow for a vacation rental at 150 Dobie Drive. The Planning and Zoning Commission had recommended approval of the application with a 6-0 vote at their April 12th meeting.

Mayor Mac McCullough opened the public hearing at 6:59 p.m.

Property owner David Brown spoke regarding the CUP and asked for Council's support for the application.

Mayor Mac McCullough closed the public hearing at 7:01 p.m.

Motion to approve was made by Council Member Steve Thurber. The motion was not seconded; and therefore, fell to the floor.

- E. Hold a public hearing and consider approval regarding case ZA-18-002, an application to change the zoning from Commercial-Moderate Impact (C-2) to Commercial-High Impact (C-3) for property located at 13900 Ranch Road 12, Wimberley, Hays County, Texas; and providing for the following: delineation on zoning map; findings of fact; severability; effective date and proper notice and meeting. (*Wimberley RR12, Applicant*)

Mrs. Floyd presented a request to change the zoning from Commercial-Moderate Impact (C-2) to Commercial-High Impact (C-3) at 13900 Ranch Road 12. The Planning and Zoning Commission had recommended Council approval by a 4-1-1 vote on April 12th.

Mayor Mac McCullough opened the public hearing at 7:04 p.m.

Property owner Phil Collins asked for Council support for the application. Potential business owner for the property Holly Collie addressed Council also asking for their support. Mrs. Collie stated a restaurant would be placed at the location.

There was discussion between Mrs. Collie and Council regarding the potential restaurant. Mayor Mac McCullough closed the public hearing at 7:13 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried as follows (3-1-0):

Steve Thurber	Aye
Craig Fore	Aye
Roberta Holland	Aye
Gary Barchfeld	Abstained

There was a recess at 7:14 p.m. Regular Session reconvened at 7:20 p.m.

Council revisited the Conditional Use Permit to allow for the operation of a vacation rental at 150 Dobie Drive. Council Member Steve Thurber had previously made a motion for approval, but the motion fell to the floor, due to a lack of a second. The CUP could not be reheard within a certain timeframe if it failed. However, the application was left in limbo, since the motion had neither passed nor failed.

Mayor Mac McCullough reopened the public hearing for the application at 7:22 p.m.

Planning and Zoning Commission Member Rebecca Minnick addressed Council stating the Commission's support for the CUP and noted P&Z had unanimously voted 6-0 for approval.

Candy Fore also spoke regarding CUP's in residential areas and stated her opposition for the application.

Mayor Mac McCullough closed the public hearing at 7:25 p.m.

Motion to approve was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland.

Council Member Gary Barchfeld stated he would like to continue the application when all vested parties were present for the hearing.

Council Member Steve Thurber withdrew his motion for approval. Council Member Roberta Holland seconded the motion withdrawal.

Motion to continue the application until the May 3rd City Council Meeting was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

DISCUSSION AND POSSIBLE ACTION

- A. Discuss and consider possible action approving the proposed Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP) rerate notice. *(City Secretary Laura Calcote)*

City Secretary Laura Calcote presented the TMLIEBP rerate for Plan Year 2017-2018.

Motion to approve the Texas Municipal League Intergovernmental Employee Benefits Pool (TMLIEBP) rerate notice was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- B. Discuss and consider possible action regarding the policies and procedures relating to placement of temporary signs at the Wimberley Community Center. *(City Administrator Shawn Cox)*

City Administrator Shawn Cox presented the revised Wimberley Community Center Policies and Procedures Relating to Placement of Temporary Signs. The new language stated, "Signs may not be placed past the entrance to the adjacent property (the Thrift Shoppe)." Also, language was struck from the policy relating to the violation fee of \$5 per sign. There was discussion among Council regarding the changes.

Motion to approve the revised policies and procedures relating to placement of temporary signs at the Wimberley Community Center was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- C. Discuss and consider possible action to award the engineering services contract for the preparation of the City of Wimberley's HMGP Application for Harvey DR 4332 and General Land Office Community Development Block Grant Disaster Relief 2015 & Harvey 2017 and subsequent contract implementation if application is funded. *(City Administrator Shawn Cox)*

In December 2017 the City sent out Request for Qualifications for engineering services related to FEMA HMGP and GLO Community Development Grant Disaster Recovery Programs. The City received three submittals in response to the RFQ. The submittals were evaluated and scored, and BEFCO Engineering received the highest score. The funds for these programs would be grant sponsored, at no cost to the City.

Motion to award the engineering services contract to BEFCO Engineering for the preparation of the City of Wimberley's HMGP applications and projects, including the already funded buyout and elevation projects, as well as for Harvey DR 4332 and General Land Office Community Development Block Grant Disaster Relief 2015 and Harvey 2017 and subsequent contract implementation was made by Council Member Steve Thurber. Motion was seconded by Council Member Gary Barchfeld. Motion carried unanimously (4-0).

- D. Discuss and consider possible action for the City Administrator to expend an amount less than \$3,000 to Wimberley Plumbing for a replacement grinder pump at Blue Hole Regional Park. *(City Administrator Shawn Cox)*

Motion to allow the City Administrator to expend an amount less than \$3,000 to Wimberley Plumbing for a replacement grinder pump at Blue Hole Regional Park was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- E. Discuss and consider possible action approving Resolution No. 17-2018, granting a ten-foot wide underground electric utility easement for 2.997 acres of land out of the H. Keiser Survey No. 60, Abs. No. 271 and the Amasa Turner Survey No. 1, Abstract No. 461 in the City of Wimberley. *(City of Wimberley)*

Planning and Development Coordinator/GIS Analyst Sandy Floyd presented Resolution No. 17-2018, which would grant a ten-foot wide underground electric utility easement from the City of Wimberley to Wimberley SLF, LLC. There was discussion among Council members regarding the easement.

Motion to approve Resolution No. 17-2018, granting a ten-foot wide underground electric utility easement for 2.997 acres of land out of the H. Keiser Survey No. 60, Abs. No. 271 and the Amasa Turner Survey No. 1, Abstract No. 461 in the City of Wimberley was made by Council Member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- F. Discuss and consider possible action regarding request for proposals for a bank depository for the City of Wimberley. *(Mayor Mac McCullough)*

Mayor Mac McCullough led the discussion regarding the City going out for Request for Proposals for a new bank depository. The City currently utilized Ozona Bank for banking

agreement was signed in September 2014 between the City and Ozona Bank.

Motion to direct City staff to go out for Request for Proposals for a bank depository for the City of Wimberley was made by Council Member Steve Thurber. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- G. Discuss and consider possible action to purchase two 60-kilowatt hour generator sets and necessary equipment for transportation and installation of the sewer system lift station. *(Mayor Mac McCullough)*

Mayor Mac McCullough explained the need for two generator sets and associated equipment, such as a trailer and cable, for the new sewer system lift station for the Central Wimberley Wastewater Project. Council members discussed the need for purchasing the additional equipment for the Project and related costs for doing so.

Motion to purchase two 60-kilowatt hour generator sets and necessary equipment for transportation and installation of the sewer system lift station not to exceed \$10,000 from the Wastewater Fund was made by Council Member Gary Barchfeld. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- H. Discuss and consider possible action regarding disposal of existing generator sets. *(Mayor Mac McCullough)*

Mayor Mac McCullough stated the existing generator sets at City Hall had parts stolen out of them earlier in 2018. Therefore, the generators were no longer functional and could not be used to support the sewer system lift station. Mayor McCullough recommended giving the generator sets to Wimberley Valley Radio at no charge, since they had the same equipment and could possibly still use some of the parts.

Motion to give the existing generator sets to Wimberley Valley Radio or to scrap them if the radio station did not want them was made by Council Member Craig Fore. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

- I. Discuss and consider possible action to approve the first reading of Ordinance No. 2018-11, amending Chapter 50, Section 50.63(B)(2) of the Code of Ordinances, establishing the requirements for mandatory connection to a public wastewater system. *(Place One Council Member Steve Thurber)*

Council requested five years be changed to eight years concerning the issuance of septic permits to connect to the City's sewer system.

Motion to approve the first reading of Ordinance No. 2018-11, amending Chapter 50, Section 50.63(B)(2) of the Code of Ordinances, establishing the requirements for mandatory connection to a public wastewater system, with the amended language, was made by Council member Steve Thurber. Motion was seconded by Council Member Craig Fore. Motion carried unanimously (4-0).

- J. Discuss and consider possible action to approve test digging for the wastewater retention pond at Blue Hole Regional Park. *(Place Two Council Member Craig Fore)*

Council Member Craig Fore discussed test digging at Blue Hole Regional Park for the potential wastewater retention pond. Mr. Fore had a contractor with a small excavator that would dig a couple of test holes to see how easily a retention pond could be dug and where, in order to get a reasonable bid for the pond. City Administrator Shawn Cox advised the contractor should have some type of insurance before digging in the Park. Council Member

Steve Thurber also noted the City should not take on the liability of digging in the Park without being insured. It was suggested the contractor should have an agreement with the City before test digging.

Motion to approve test digging for the wastewater retention pond at Blue Hole Regional Park was made by Council Member Craig Fore. Motion was seconded by Council Member Gary Barchfeld. Motion carried as follows (3-2):

Craig Fore	Aye
Gary Barchfeld	Aye
Mac McCullough	Aye
Steve Thurber	Nay
Roberta Holland	Nay

K. Discuss and consider possible action to purchase a new television for the Council Chambers. (*Place Two Council Member Craig Fore*)

Motion to approve the purchase of a new television for the Council Chambers was made by Council Member Craig Fore. Motion was seconded by Council Member Roberta Holland. Motion carried unanimously (4-0).

CITY COUNCIL REPORTS

A. Announcements – Mayor Mac McCullough stated he would not be in attendance at the May 3rd City Council Meeting.

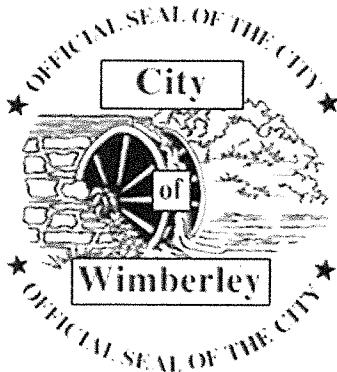
B. Future agenda items – None.

ADJOURNMENT

Mayor Mac McCullough adjourned the meeting at 8:27 p.m., without objection.

RECORDED BY:

Laura J. Calcote
Laura J. Calcote, City Secretary



APPROVED BY:

Herschel P. "Mac" McCullough
Herschel P. "Mac" McCullough, Mayor